

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

VIRTUAL STUDIOS, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:12-cv-54
)	
HAGAMAN INDUSTRIES, INC.)	JURY DEMAND
)	
Defendant.)	

RULE 26(f) REPORT AND PROPOSED DISCOVERY PLAN AND CASE SCHEDULE

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for Plaintiff Virtual Studios, Inc. (“Virtual”) and Defendant Hagaman Industries, Inc., (“Hagaman”) met and conferred on August 21, 2012 and jointly submit this Rule 26(f) report and proposed discovery plan and case schedule.

1. Introductory Matters:

(a) **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to 28 U.S.C. §§ 1332, 1338, 2201 and 2202 and is not in dispute.

(b) **Consent to Magistrate Judge:** The parties do not consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).

(c) **Settlement / Alternative Dispute Resolution:**

(i) The possibility of settlement is unknown at this time.

(ii) The parties will discuss the possibility of utilizing the Federal Court Mediation Program. They will notify the Court on or before January 31, 2013 as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters should be sent to the attention of U.S. District Court Clerk’s Office, Division Manager, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37402.

2. Proposed Discovery Plan:

(a) **Changes to the Timing of Discovery:** None, except as provided below in the Proposed Case Schedule in Section 6.

(b) **Subjects of Discovery:**

Virtual's Statement: Virtual anticipates that discovery will be needed on Virtual's claims of copyright infringement profits derived by Hagaman and the claims and defenses raised by Hagaman in its answer.

Hagaman's Statement: Hagaman anticipates conducting discovery regarding Virtual's copyright infringement, breach of contract and unjust enrichment claims and regarding Hagaman's defenses.

(c) **Electronically Stored Information:** The parties anticipate that electronically stored information will be requested and produced in this action and anticipate reaching an agreement regarding the scope of any discovery involving electronically stored information and the production format of any such information.

(d) **Claims of Privilege:** The parties are not currently aware of any issues relating to claims of privilege. The parties anticipate including a provision regarding the return of inadvertently produced privileged materials in the proposed protective order they will submit in accordance with Section 5(f) below.

(e) **Changes to Limitations on Discovery:** The parties propose the following changes to the limitations on discovery.

(i) **Requests for Production:** Forty per party.

(ii) **Interrogatories:** Twenty-five per party.

(iii) **Requests for Admission:** Twenty-five per party.

(iv) **Depositions:** None

(f) **Protective Order:** N/A

Dated:

Respectfully submitted,

s/ Michael A. Anderson
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